

TENNESSEE BOARD OF PHARMACY
NOVEMBER 8-9, 2011
227 FRENCH LANDING, POPLAR ROOM
NASHVILLE, TN

BOARD MEMBERS PRESENT

Larry Hill, D.Ph., President
Brenda Warren, D.Ph., Vice President
Charles Stephens, D.Ph.
Joyce McDaniel, Consumer Member
Jason Kizer, D.Ph.
Nina Smothers, D.Ph.
Will J. Bunch, D. Ph.

STAFF PRESENT

Terry Grinder, Acting Director
Dr. Andrew Holt, Executive Director
Anthony Czerniak, Assistant General
Counsel
Sheila Bush, Administrative Manager
Tommy Chrisp, Pharmacy Investigator
Scott Denaburg, Pharmacy Investigator
Richard Hadden, Pharmacy Investigator
Rebecca Moak, Pharmacy Investigator
Lakita Taylor, Administrative Assistant

The Tennessee Board of Pharmacy convened on Tuesday, November 8, 2011, in the Iris Room, 227 French Landing, Nashville, TN. A quorum of the members being present, the meeting was called to order at 9:00 a.m., C.D.T., by Dr. Larry Hill.

Dr. Terry Grinder introduced Dr. Andrew Holt as the new executive director of the Tennessee Board of Pharmacy and Dr. Rebecca Moak as a pharmacy investigator.

Dr. Hill welcomed students in audience from Belmont University, University of Tennessee and Lipscomb University.

Minutes

Dr. Stephens made the motion to approve the minutes as amended from the July 27-28, 2011 board meeting. Ms. McDaniel seconded the motion. The motion carried. Dr. Smothers made the motion to approve the minutes as amended from the September 8-9, 2011 board meeting. Dr. Stephens seconded the motion. The motion carried.

General Discussion

Dr. Warren asked Dr. Hill or any of the board members received an official notified concerning the appointment of Dr. Holt as the executive director for the board. Dr. Hill stated that while he did not receive an official written notification, he was informed by Commissioner Dreyzehner via telephone that Dr. Holt had been appointed as the executive director for the Tennessee Board of Pharmacy. Dr. Warren stated that she would appreciate a more formal notification in the future.

Legal Report

1. Case No.: L11-PHR-RBS-201100054

Original Complaint alleged that patient's prescription for Tricor 40mg was misfiled instead for Tricor 145mg. Respondent admitted that the prescription was filled for Tricor 145mg, however respondent indicated that the prescription appeared to have a "1" in front of the 4, thus the pharmacist filled the prescription accordingly. Prescription appears to have 1 in front of it.

Prior discipline: none

Recommendation: Dismiss

Dr. Bunch made the motion to **accept counsel's recommendation**. Dr. Warren seconded the motion. The motion carried.

2. Case No.: L10-PHR-RBS-200900039

Original Complaint alleged that Respondent Pharmacist dispensed Ibuprophen 400mg and Benzonate and Uroblue to pharmacy technician at the time of dispensing. Subsequent investigation yielded the following: amounts were for less than 72 hrs, and prescriptions for said medications were subsequently received.

Prior discipline: none

Recommendation: Dismiss

Dr. Stephens made the motion to **accept counsel's recommendation**. Dr. Kizer seconded the motion. The motion carried.

3. Case No.: L11-PHR-RBS-201000238

Complaint alleges that Respondent Pharmacist failed a drug screen. Respondent admits failed drug screen was due to prescription lorazepam. Drug screen cannot be located, no additional proof exists to substantiate a violation.

Prior discipline: none

Recommendation: Dismiss

Dr. Kizer made the motion to **accept counsel's recommendation**. Dr. Warren seconded the motion. The motion carried.

4. Case No.: L11-PHR-RBS-201000042 and L11-PHR-RBS-201000041

Complaint alleges that Respondent pharmacy was filling prescriptions for patients several months after patient's deaths. Respondent denies any wrong doing, and attributes prescriptions in question to possible fraud.

Prior discipline: none

Recommendation: Dismiss

Ms. McDaniel made the motion to **accept counsel's recommendation**. Dr. Bunch seconded the motion. The motion carried.

5. Case No.: L11-PHR-RBS-201000132

Complaint alleged that respondent gave the keys to the pharmacy to pharmacy student to allow said student to perform specific duties and compound at night when pharmacist is not on duty. Investigation was performed, all parties were interviewed—claims could not be substantiated.

Prior discipline: none

Recommendation: Dismiss

Dr. Kizer made the motion to **accept counsel's recommendation**. Dr. Warren seconded the motion. The motion carried.

6. Case No.: L11-PHR-RBS-201100121

Complainant alleges the following: Respondent is receiving call in prescriptions from Hospice nurses who are not acting as an agent of a physician when calling in said prescriptions. Additionally, the complainant alleges that respondent is creating and sending computer generated prescriptions to physicians for their signature for the purposes of filling C2's early. Complainant also alleges Respondent is filling some of these early refills with no documentation at all. Investigation reviewed that respondent is acting in accordance with the law, and claims could not be substantiated.

Prior discipline: none

Recommendation: Dismiss

Dr. Kizer made the motion to **accept counsel's recommendation**. Dr. Stephens seconded the motion. The motion carried.

7. Case No.: L11-PHR-RBS-201000240

Complaint alleges that patient was shorted two days of his narcotic medication. Respondent asserts that medication was double counted and inventory show the correct total.

Prior discipline: none

Recommendation: Dismiss

Dr. Stephens made the motion to accept counsel's recommendation. Ms. McDaniel seconded the motion. The motion carried.

8. Case No.: L11-PHR-RBS-201100135

Complaint alleges that patient was shorted 30 tablets from Hydrocodone prescription. Respondent admits that prescription was misfilled. Respondent states that prescription was entered as a quantity of 30 rather than 60 in error. Double counted for 30, and dispensed as 30. When patient brought the error to the attention of respondent, error was corrected.

Prior discipline: none

Recommendation: Dismiss

Dr. Kizer made the motion to **accept counsel's recommendation**. Dr. Smothers seconded the motion. The motion carried.

9. Case No.: L11-PHR-RBS-201100153

Complainant Physician alleges that Respondent failed to "Dispense as written" a prescription for Monodox. Respondent admits that the prescription was filled with generic, but denies that the prescription was noted as DAW. After review of prescription it does not appear to be DAW.

Prior discipline: none

Recommendation: Dismiss

Dr. Kizer made the motion to **accept counsel's recommendation**. Dr. Smothers seconded the motion. The motion carried.

10. Case No.: L11-PHR-RBS-201100154

Complainant alleged that patient was selling drugs that were dispensed from Respondent Pharmacy pursuant to valid prescription from Tennessee and from a physician from

Massachusetts. Complainant was concerned for patient and contacted pharmacy and filed complaint with same information. Respondent asserts no prescriptions from Massachusetts were filled at his pharmacy, and only one for the Patient. Respondent notified patient's physician of the incident.

Prior discipline: none

Recommendation: Dismiss

Dr. Stephens made the motion to **accept counsel's recommendation**. Dr. Kizer seconded the motion. The motion carried.

11. Case No.: L11-PHR-20110000100

Respondent technician admitted that Respondent had taken two rebate checks from drug companies (\$707.01 total) out of the pharmacy and deposited the checks in her account by means of forgery.

Prior discipline: none

Recommendation: Revoke

Dr. Kizer made the motion to **authorize a formal hearing for revocation**. Ms. McDaniel seconded the motion. The motion carried.

12. Case No.: L11-PHR-RBS-201100147

Respondent technician admitted to loss prevention, by signed affidavit, to removing controlled substances.. Controlled substances in question were 30 tablets of Hydrocodone 10/500.

Prior discipline: none

Recommendation: Revoke

Dr. Warren made the motion to **authorize a formal hearing for revocation**. Dr. Kizer seconded the motion. The motion carried.

13. Case No.: L11-PHR-RBS-201100126

Complaint alleges that Respondent contacted patient's physician and called patient addict. Respondent denies calling physician and calling patient an addict or anything similar thereto. Physician was contacted but claim could not be substantiated.

Prior discipline: 2010—Registration of Pharmacy Techs.

Recommendation: Dismiss

Dr. Warren made the motion to **accept counsel's recommendation**. Dr. Smothers seconded the motion. The motion carried.

14. Case No.: L10-PHR-RBS-201100102

Respondent admitted to loss prevention that at least twice Respondent forged prescriptions. Said prescriptions were for 20 Ciprofloxacin 500mg BID, and 30 Phenazopyridine 200mg TID. Respondent also admitted to giving a customer 5 Sertraline 100MG tablets on one occasion without a prescription.

Prior discipline: none

Recommendation: Revoke

Dr. Stephens made the motion to **authorize a formal hearing for revocation**. Dr. Smothers seconded the motion. The motion carried.

15. Case No.: L11-PHR-RBS-201100143

Respondent admitted to loss prevention, by signed affidavit, to the removal of one bottle of 1mg Alprazolam (500 tablets) from the pharmacy.

Prior discipline: none

Recommendation: Revoke

Dr. Warren made the motion to **authorize a formal hearing for revocation**. Ms. McDaniel seconded the motion. The motion carried.

16. Case No.: L11-PHR-RBS-201100142

Respondent admitted to loss prevention, by signed affidavit, to the removal Of Hydrocodone 10/500 from the pharmacy over the course of a six month period. Respondent removed a total of 10,000 Hydrocodone tablets.

Prior discipline: None

Recommendation: Revoke

Dr. Stephens made the motion to **authorize a formal hearing for revocation**. Dr. Warren seconded the motion. The motion carried.

17. Case No.: L11-PHR-RBS-201100144

Respondent admitted to loss prevention, by signed affidavit, to the removal of 75 tablets of Lortab from the pharmacy without authorization or valid prescription.

Prior discipline: none

Recommendation: Revoke

Dr. Warren made the motion to **authorize a formal hearing for revocation**. Dr. Smothers seconded the motion. The motion carried.

18. Case No.: L11-PHR-RBS-201100145

Complaint alleged that Respondent technician removed controlled substances from the pharmacy without authorization or valid prescription. Respondent admitted, by signed affidavit, to the removal of 1,700 tablets of Hydrocodone 10/500 over a three month period.

Prior discipline: none

Recommendation: Revoke

Dr. Stephens made the motion to **authorize a formal hearing for revocation**. Dr. Smothers seconded the motion. The motion carried.

19. Case No.: L11-PHR-RBS-201100141

Complaint alleged that Respondent technician removed controlled substances from the pharmacy without authorization or valid prescription. Respondent admitted, by signed affidavit, to the removal of approximately 2,652 tablets of controlled substances. DEA form 106 revealed losses of the following:

1333 tablets of Hydrocodone 10/325
980 tablets of Hydrocodone 10/650
7236 tablets of Hydrocodone 10/500
3001 Tablets of Alprazolam 2mg
5014ml Hydrocodone 1mg
300ml Desoxyn 5mg
150ml Demerol 50mg
5675ml Robitussin A-C 2mg

Prior discipline: none

Recommendation: Revoke

Dr. Warren made the motion to **authorize a formal hearing for revocation**. Dr. Smothers seconded the motion. The motion carried.

20. Case No.: L11-PHR-RBS-201100139

Complainant alleges that Respondent threatened and discriminated against Patient trying to fill a routine prescription for a mental condition. Respondent asserts that this was patient's first visit to Respondent's Pharmacy, and that Patient's prescription for Lithium was filled, counseling given by Respondent. No issues were raised by Patient, nor did Patient indicate dissatisfaction with Respondent's service.

Prior discipline: 2009—Reg of Pharmacy Technicians

Recommendation: Dismiss

Dr. Kizer made the motion to **accept counsel's recommendation**. Dr. Smothers seconded the motion. The motion carried.

21. Case No.: L11-PHR-RBS-201100136

Complainant alleges that Patient presented a prescription for FentaNYN 25MRC to Respondent and the prescription was misfilled instead with FentaNYN 75 MRC. Respondent admits to the medication error due to computer input error.

Prior discipline: *None*

Recommendation: LOW as to medication error

Dr. Stephens made the motion to issue a **Letter of Warning** to the pharmacist for the medication error. Dr. Smothers seconded the motion. The motion carried.

22. Case No.: L11-PHR-RBS-201100140

Complainant alleges that Respondent misfilled a prescription for Prednisone 10mg, with the wrong prescribing physician named on the label, wrong strength and wrong instructions for use. Prescription was written as Prednisone 10mg take once daily, but prescription was dispensed as Prednisone 20mg, taking half tablet once daily. Respondent indicates that Prednisone 10mg was on manufacturer backorder and was still unavailable at time of response. Patient was counseled as to the dosage and instructions for use. Respondent indicates that the wrong Physician's name was placed on the prescription due to illegibility of signature on the prescription. Several physicians' names were printed at the top of the prescription, and Respondent felt that he had correctly identified that physician by signature.

Prior discipline: *None*

Recommendation: Dismiss

Dr. Kizer made the motion to **accept counsel's recommendation**. Ms. McDaniel seconded the motion. The motion carried.

23. Case No.: L11-PHR-RBS-201100137

Complainant alleges that Respondent Pharmacist was rude and condescending towards complainant when attempting to pick up a prescription for Tizanidine Respondent indicates that she was neither rude nor condescending, that Patient had tried to pick prescription up early—which resulted in the prescription being denied by TnCare, that there was a history of possible overuse of the medication by patient. Respondent contacted patient's physician and informed physician of the possible overuse. Respondent state that the physician found the information "interesting" since patient was at the physician's office at the time of the call attempting to obtain additional controlled substances.

Prior discipline: *None*

Recommendation: Dismiss

Dr. Kizer made the motion to **accept counsel's recommendation**. Ms. McDaniel seconded the motion. The motion carried.

24. Case No.: L11-PHR-RBS-201100114

Complainant alleges that Respondent Pharmacist left the pharmacy and outside the store, to meet AAA to have them open her car when she had locked her keys inside her car. Time absent from the pharmacy was 1 hour and 20 minutes. One pharmacy technician

was left in the pharmacy, and with no pharmacist present. While Respondent was out of the pharmacy technician dispensed 3-4 prescription. Respondent asserts she was unaware of the action of the technician until one week later when informed by her supervisors. Respondent asserts that, although Respondent had prepared the prescriptions she did not authorized technician to dispense them. Technician states that she was unaware that she had done anything wrong. Technician was fired.

Prior discipline: None

Recommendation: Discuss

Dr. Warren made the motion to issue a **Letter of Instruction** to the pharmacy technician and a **Letter of Warning** to the pharmacist. Dr. Stephens seconded the motion. The motion carried.

25. Case No.: L11-PHR-RBS-201100131

Respondent self-reported current treatment for chemical dependency. Respondent offered to accept the **indefinite suspension of Respondent's** license.

Prior discipline: none

Recommendation: Accept CO for indefinite suspension

Dr. Warren made the motion to **authorize a formal hearing for indefinite suspension**. Ms. McDaniel seconded the motion. The motion carried.

Prior discipline: None

Recommendation: Dismiss

26. Case No.: L11-PHR-RBS-201100140

Respondent self-reported the removal of controlled substances. Respondent offered to accept the **indefinite suspension of Respondent's** license.

Prior discipline: none

Recommendation: Accept CO for indefinite suspension

Prior discipline: None

Dr. Bunch made the motion to **authorize a formal hearing for indefinite suspension**.
Dr. Smothers seconded the motion. The motion carried

Order Modification

George Miller, D.Ph.

Dr. Miller is appeared before the board to ask if the board would consider releasing him from probation because insurance companies are denying reimbursement if the pharmacist is on probation. Dr. Miller's pharmacist license is on probation for five (5) years. After discussion, Dr. Stephens made the motion to deny the request due to Dr. Miller not presenting just cause and that this issue should have been taken care of in 2008. Dr. Kizer seconded the motion. The motion carried.

Wesley F. Ball, D.Ph.

Dr. Ball is requesting permission from the board to be able to work as a pharmacist in charge. Dr. Ball's pharmacist license is on probation for five (5) years. After discussion, Dr. Warren made the motion to modify Dr. Ball's consent order and allow him to become a pharmacist in charge. Dr. Bunch seconded the motion. The motion carried.

Grady Saxton, D.Ph.

Dr. Saxton is requesting permission from the board to be able to work as a pharmacist in charge. Dr. Saxton's pharmacist license is on probation for five (5) years. After discussion, Dr. Stephens made the motion to modify Dr. Saxton's consent order and allow him to become a pharmacist in charge. Dr. Smothers seconded the motion. The motion carried.

Application Review

Kenneth M. Greene

Dr. Greene answered yes to the question that asked "Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentenced was imposed, suspended, expunged or whether you were pardoned from any such offense? Dr. Greene was charged with DWAI in 2003. Dr. Warren made the motion to approve Dr. Greene's application for licensure by reciprocity. Dr. Stephens seconded the motion. The motion carried.

Chase Bradford Higginson

Dr. Higginson answered yes to the question that asked “Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentenced was imposed, suspended, expunged or whether you were pardoned from any such offense? Dr. Higginson received a citation in the fall of 2005 for alcohol related misdemeanor which was expunged in 2006. He was issued a citation on 02/04/2008 for violation of noise ordinance and paid \$199.00 fine. Dr. Stephens made the motion to approve Dr. Higginson’s application for licensure by examination. Ms. McDaniel seconded the motion. The motion carried.

Shannon A. Hendricks

Dr. Hendricks answered yes to the question that asked “Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than minor traffic offenses) whether or not sentenced was imposed, suspended, expunged or whether you were pardoned from any such offense? Dr. Hendrick was issued a citation for underage consumption in June 2006 but it was reduced to disorderly conduct. She was given a fine of \$250.00 which has been paid. Dr. Warren made the motion to approve Dr. Hendrick’s application for reciprocity. Ms. McDaniel seconded the motion. The motion carried.

Paul Botros Hanna Mekhael

Dr. Mekhael answered no to the question that asked “Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated, or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?” According to NABP, while practicing as a licensed intern pharmacist, Dr. Mekhael was disciplined by the Arizona BoP for an error in prescribing, dispensing or administering medication on 03/22/2010. He was fined \$100.00 and had to complete an additional continuing education requirement. His license in AZ is active and in good standing. Dr. Smothers made the motion to approve Dr. Mekhael’s application for licensure by reciprocity. Dr. Stephens seconded the motion. The motion carried.

Kaveh Askari

Dr. Askari answered no to the question that asked “Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated, or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?” According to NABP, Dr. Askari was disciplined by the New York BoP on 12/15/2000 for failure to enter required information on the daily record and was fined \$100.00. On 07/20/2001, Dr. Askari was disciplined by the New York BoP for failure to display valid licenses and/or registration certificate, failure to properly endorse prescriptions for controlled substances and failure to enter required information on the daily record and was fined \$250.00. On 03/29/2009,

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Dr. Askari was disciplined by the New York Bop for selling/dispensing expired drug and was fined \$500.00. Dr. Askari's New York pharmacist license is active and in good standing.

Dr. Warren made the motion to approve Dr. Askari's application for licensure by reciprocity. Dr. Bunch seconded the motion. The motion carried.

Charles Louis Peckerman, (re-present)

Dr. Peckerman's application for licensure by reciprocity was deferred from the January 19, 2011 board meeting. Dr. Peckerman answered yes to the questions "Have you ever voluntarily surrendered your pharmacist license or any pharmacist registration issued by a federal or state controlled substance authority?"; "Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated, or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?"; "Have you ever been charged or convicted (including a nolo contendere plea or guilty plea) of a felony or misdemeanor (other than a minor traffic offenses) whether or not sentence was imposed, suspended, expunged, or whether you were pardoned from any such offense?" and "Have you ever had any application for initial licensure, renewal licensure or licensure by transfer denied by any licensing authority whether in pharmacy or any other profession". On 06/18/2003, Dr. Peckerman's California pharmacist license was disciplined for being unable to practice safely. His license was revoked with the revocation stayed in favor of 3 years probation with terms and conditions including psychotherapy and mental health evaluation and fined \$5,000.00 that must be paid during the probationary period. On 01/06/2005, the Oregon Board of Pharmacy disciplined Dr. Peckerman's pharmacist license based on the actions taken by the California Board of Pharmacy. Dr. Peckerman's Oregon pharmacist license was placed on probation with terms and conditions until he successfully complete this probation in California. On 02/22/2006, Dr. Peckerman's pharmacist license was reinstated. On 05/10/2007, Dr. Peckerman's application for license was denied by the Pennsylvania Board of Pharmacy because of the disciplinary action taken by the California and Oregon Boards of Pharmacy. On 10/25/2007, Dr. Peckerman's Washington pharmacy license was summarily suspended pending further disciplinary proceedings based on the disciplinary actions taken by the California, Oregon and Pennsylvania Boards of Pharmacy. 04/17/2008, the Washington Board of Pharmacy suspended Dr. Peckerman's pharmacist license indefinitely based on the actions taken by the California, Oregon and Pennsylvania Boards of Pharmacy. On 01/21/2010 the Washington Board of Pharmacy granted Dr. Peckerman's request to reinstate. The suspension was terminated and his licensed placed on probation for 5 years with various terms and conditions. Dr. Peckerman's license in Nevada and Oregon are in good standing and his California license was surrendered. After discussion, Ms. McDaniel made the motion to defer action on Dr. Peckerman's application for reciprocity until he can submit a copy of the mental health evaluation that was required by the California Board of Pharmacy to reinstate his California pharmacist license. Dr. Stephens seconded the motion. The motion carried. Ms. McDaniel amended her motion and requested that Dr. Peckerman have a current mental health evaluation from a licensed psychiatrist. Dr. Kizer seconded the amended motion. The motion carried as amended. At the September 7-8, 2011 board meeting, Dr. Grindler presented a letter to the board from Dr. Charles Peckerman. The board deferred action on Dr. Peckerman's application for reciprocity until he could submit a

mental evaluation from a licensed psychiatrist. Dr. Peckerman submitted a letter from a mental health nurse practitioner and a medical doctor. After discussion, Ms. McDaniel made the motion that Dr. Peckerman must submit a letter from a licensed psychiatrist stating that he is safe to practice pharmacy. Dr. Warren seconded the motion. The motion carried. Dr. Peckerman has submitted a letter from Diane Hennacy Powell, MD, who is a licensed psychiatrist in Oregon dated 10/4/2011 and a letter from Robert E. Huffer, Ph.D., MFT, CTS dated 04/23/2003. Also received a letter from the CA BoP dated 10/19/2011. Ms. McDaniel made the motion to approve Dr. Peckerman's application for reciprocity. Dr. Smothers seconded the motion. The motion carried.

Pharmacy Technicians

Edward Gray Hunderup

Mr. Hunderup answered yes to the question "Are there any charges pending against you?" Mr. Hunderup has been charged with possession of alleged marijuana (over an ounce) in Oxford, MS on June 19, 2010. Mr. Hunderup stated that he is in the process of having this charge dismissed. Ms. McDaniel made the motion to defer Mr. Hunderup's application for registration as a pharmacy technician until the charges have been dismissed. Dr. Kizer seconded the motion. The motion carried.

Jennifer Taylor

Ms. Taylor answered yes to the question "Have you ever been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens)? Ms. Taylor was found guilty of theft of property \$500.00 or less in 07/07/2000. She was fined \$150.00. Dr. Bunch made the motion to approve Ms. Taylor's application for registration as a pharmacy technician. Dr. Kizer seconded the motion. The motion carried.

Mary Helen Pendergrast

Ms. Pendergrast answered yes to the question "Have you ever been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens)? Ms. Pendergrast was convicted of DUI (3rd offense) on 10/02/2001 and DUI (4th offense on 08/24/2004. Ms. McDaniel made the motion to approve Ms. Pendergrast's application for registration as a pharmacy technician. The motion died for lack of second. Dr. Warren made the motion requesting that Ms. Pendergrast submit to a criminal background check and to appear before the board at the next scheduled meeting. Dr. Stephens seconded the motion. The motion carried.

Linda S. Tarry

Ms. Tarry answered yes to the question "Have you been convicted of a felony?" Ms. Tarry was charged with Food Stamp Fraud and paid restitution. Dr. Stephens made the motion to approve

Ms. Tarry's application for registration as a pharmacy technician. Dr. Smothers seconded the motion. The motion carried.

Tracy Jean Stout

Ms. Stout answered yes to the question "Have you ever been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens)? Ms. Stout was charged with DWI February 2001 in KY. Paid fine and charge is no longer listed on KY driving record. Dr. Warren made the motion to approve Ms. Stout's application for registration as a pharmacy technician. Ms. McDaniel seconded the motion. The motion carried.

Rex Harold Lowery

Mr. Lowery answered yes to the question "Have you ever been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens)? Mr. Lowery pled guilty of DUI on 02/21/2007. Dr. Smothers made the motion to approve Mr. Lowery's application for registration as a pharmacy technician. Dr. Stephens seconded the motion. The motion carried.

Lauren E. Roof

Ms. Roof answered yes to the question "Are there any charges pending against you?" Ms. Roof was arrested for DUI 1st offense on 08/06/2011. No court date has been set. Dr. Warren made the motion to defer Ms. Roof's application for registration as a pharmacy technician until the charges have been cleared. Dr. Kizer seconded the motion for discussion. After discussion, Dr. Warren withdrew her motion. Dr. Warren made the motion to deny Ms. Roof's application. The motion died for a lack of second. Dr. Smothers made the motion to defer Ms. Roof's application for registration as a pharmacy technician until the charges have been resolved. Dr. Stephens seconded the motion. The motion carried.

Samantha S. Hale

Ms. Hale answered yes to the question "Have you ever been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens)? and "Are there any charges pending against you?" Ms. Hale was issued a ticket for underage drinking on 06/03/2011. Dr. Stephens made the motion to defer Ms. Hale's application for registration as a pharmacy technician until we receive more information concerning the crime committed. Dr. Warren seconded the motion. The motion carried.

Andrea Lambert

Ms. Lambert answered yes to the question "Are there any charges pending against you?" Ms. Lambert was charged with terroristic threatening in Little Rock, AR on 05/12/2004. She was giving probation, community service and a fine. Ms. McDaniel made the motion to approve Ms.

Lambert's application for registration as a pharmacy technician. Dr. Stephens seconded the motion. A roll call vote was taken. Dr. Stephens, Dr. Kizer, Dr. Bunch and Ms. McDaniel voted in the affirmative. Dr. Smothers and Dr. Warren voted in the negative. The motion carried.

Charline M. Jackson

Ms. Jackson answered yes to the question that asked "Have you been convicted of a felony?" Ms. Jackson was charged with Tenn Care Fraud 06/25/2009. Ms. McDaniel made the motion to defer Ms. Jackson's application for registration as a pharmacy technician until she can appear before the board. Dr. Stephens seconded the motion. The motion carried.

Christina Lee Springer

Ms. Springer answered yes to the question "Have you ever been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens)?" Ms. Springer was charged with under age consumption on 07/26/2004 and she paid a fine of \$363.00. Dr. Stephens made the motion to approve Ms. Springer's application for registration as a pharmacy technician. Dr. Bunch seconded the motion. The motion carried.

Larce Elizabeth Burrows (re-present)

Ms. Burrows answered yes to the question that asked "Have you been convicted of a felony?" On 07/18/1981, she pled guilty to petit larceny and received 9 months in jail. 09/24/1992, Ms. Burrows was found guilty of theft of property \$500.00 or less; 01/07/1994 found guilty of theft of property \$500.00 or less; 11/15/1994 found guilty of theft of merchandise \$500.00 or less; 08/29/1996 found guilty of theft of merchandise \$500.00 and failure to appear for booking; 06/09/2003 found guilty of theft of property \$500.00 or less. Dr. Warren made the motion to defer action on Ms. Burrows' application for registration as a pharmacy technician until she can submit a criminal background check. Dr. Stephens seconded the motion. The motion carried. The criminal background check was received in our office on 10/21/2011. Dr. Stephens made the motion to approve Ms. Burrows' application for registration as a pharmacy technician. Ms. McDaniel seconded the motion. The motion carried.

Jason M. Rust

Mr. Rust answered yes to the question "Have you ever been convicted of a misdemeanor (except minor traffic offenses) including alcohol or drug related offenses (including marijuana or hallucinogens)?" and "Are there any charges pending against you?" Mr. Rust was arrested on 04/17/2009 for a DUI. Mr. Rust stated that this case has been closed. Dr. Stephens made the motion to defer Mr. Rust's application for registration as a pharmacy technician until we receive further information concerning the crime committed. Ms. McDaniel seconded the motion. The motion carried.

Request to Appear

Brittney Thornton, RT

Ms. Thornton answered yes to the question that asked “Have you been convicted of a misdemeanor (except minor traffic offenses) including alcohol and drug related offenses (including marijuana and hallucinogens)?” Ms. Thornton was found guilty of DUI and simple possession of drug paraphernalia on 04/04/2007 in Jefferson County, TN. She was fined \$550.00 and 2 days in jail. On 07/27/2007, Ms. Thornton was found guilty of under age driving impaired. She was fined \$250.00 and had her driver’s license revoked for 1 year. Ms. McDaniel made the motion to defer and request that Ms. Thornton appear before the board. Dr. Stephens seconded the motion. The motion carried. After discussion, Ms. McDaniel made the motion to approve Ms. Thornton’s application for registration as a pharmacy technician. Dr. Kizer seconded the motion. The motion carried.

Appearance for Waiver Request Board rule 1140-3-.14 and 1140-1-.12(d)

Dr. Norman Noffsinger appeared before the board to state that he was withdrawing his request to be the pharmacist in charge at Heritage Pharmacy and at The Arthritis Associates Rx and ask the board to consider Dr. Amber Grantham. Because Dr. Grantham did not submit a request to be pharmacist in charge at Heritage Pharmacy, Nashville, TN., no action was taken. Dr. Stephens made the motion to approve the request from **Norman Noffsinger, D.Ph.**, to waive the requirement for the pharmacy to be one hundred and eighty (180) square feet for Heritage Pharmacy in Nashville, TN. Ms. McDaniel seconded the motion. The motion carried. The pharmacy will be one hundred and thirty-six (136) square feet.

Request to Reinstate

Rhonda Compton, R.Ph.

Dr. Compton requested to have her license reinstated. Dr. Compton’s license was revoked on May 18, 2011. After discussion, Dr. Warren made the motion to reinstate Dr. Compton’s license on probation. Dr. Smothers seconded the motion. The motion carried. Dr. Compton’s license will be on probation for five (5) years from November 8, 2011 through November 8, 2016 with the following conditions:

- (a) The Respondent shall completely abstain from the consumption of alcohol or any other drugs, except as specified in (b);
- (b) The Respondent shall be able to consume legend drugs or controlled substances prescribed by the Respondent’s primary physician, Dr. Stephanie Dunigan, except in the case of an emergency or upon proper referral from the Respondent’s primary physician. The Respondent shall immediately notify the Board office in writing of the name of the Respondent’s primary physician each time the Respondent changes primary physicians;

- (c) The Respondent shall not obtain or attempt to obtain any prescriptions in the Respondent's name for any legend drugs, controlled substances or devices containing same from the physician other than the Respondent's primary physician or from any other health care provider, such as a nurse practitioner, physician's assistant or psychiatrist;
- (d) The Respondent shall destroy any unused controlled substances prescribed under the provisions of subsection (b) no later than thirty (30) days following the completion of the prescribed course of treatment;
- (e) The Respondent shall report to the Board, in writing, the ingestion of any and all legend drugs or controlled substances (a copy of the prescription will satisfy the requirement);
- (f) The Respondent shall submit to random sampling of urine, blood or bodily tissues for the presence of drugs and alcohol, at the Respondent's own expense, by agents of the Board, such as the Tennessee Pharmacist Recovery Network for as long as the Respondent has an active license. In the event that the sampling indicates the presence of drugs for which the Respondent does not have a valid prescription or the sampling indicates the presence of alcohol, then formal disciplinary charges may be brought against the Respondent which could result in the revocation of the Respondent's remaining term of probation or the suspension or revocation of the Respondent's license to engage in the practice of pharmacy. Prior to such disciplinary charges being heard by the Board, the Respondent's license may be summarily suspended;
- (g) The Respondent shall comply with all terms and conditions of the extended aftercare contract he entered into with Tennessee Pharmacist Recovery Network (TPRN). Respondent shall return a copy of said contract with this Consent Order to the Board office;
- (h) The Respondent shall not serve as pharmacist-in-charge for a period of three (3) years from the retroactive start date of probation; however, after a period of two (2) years from the retroactive state date of probation, the Respondent may petition the Board for a modification of this Consent Order to remove the restrictions upon a show of good cause. The Respondent shall not work as a "floater" for a period of three (3) years from the retroactive stare date of probation, meaning that the Respondent shall not work at more than one (1) pharmacy location at the same time without the permission of the Board;
- (i) The Respondent shall provide written notice requesting an active license; satisfy all past due continuing pharmaceutical education and pay all cumulative license renewal fees and applicable penalties.

Heather Atkinson, Pharm. D.

Dr. Atkinson requested to have her license reinstated. Dr. Atkinson's license was revoked on March 3, 2011. After discussion, Dr. Kizer made the motion to reinstate Dr. Atkinson's license on probation. Ms. McDaniel seconded the motion. The motion carried. Dr. Atkinson's license will be on probation for five (5) years from November 8, 2011 through November 8, 2016 with the following conditions:

- (a) The Respondent shall completely abstain from the consumption of alcohol or any other drugs, except as specified in (b);
- (b) The Respondent shall be able to consume legend drugs or controlled substances prescribed by the Respondent's primary physician, Dr. Sam Olsen, except in the case of an emergency or upon proper referral from the Respondent's primary physician. The Respondent shall immediately notify the Board office in writing of the name of the Respondent's primary physician each time the Respondent changes primary physicians;
- (c) The Respondent shall not obtain or attempt to obtain any prescriptions in the Respondent's name for any legend drugs, controlled substances or devices containing same from the physician other than the Respondent's Primary physician or from any other health care provider, such as a nurse practitioner, physician's assistant or psychiatrist;
- (d) The Respondent shall destroy any unused controlled substances prescribed under the provisions of subsection (b) no later than thirty (30) days following the completion of the prescribed course of treatment;
- (e) The Respondent shall report to the Board, in writing, the ingestion of any and all legend drugs or controlled substances (a copy of the prescription will satisfy the requirement);
- (f) The Respondent shall submit to random sampling of urine, blood or bodily tissues for the presence of drugs and alcohol, at the Respondent's own expense, by agents of the Board, such as the Tennessee Pharmacist Recovery Network for as long as the Respondent has an active license. In the event that the sampling indicates the presence of drugs for which the Respondent does not have a valid prescription or the sampling indicates the presence of alcohol, then formal disciplinary charges may be brought against the Respondent which could result in the revocation of the Respondent's remaining term of probation or the suspension or revocation of the Respondent's license to engage in the practice of pharmacy. Prior to such disciplinary charges being heard by the Board, the Respondent's license may be summarily suspended;
- (g) The Respondent shall comply with all terms and conditions of the extended aftercare contract he entered into with Tennessee Pharmacist Recovery Network (TPRN). Respondent shall return a copy of said contract with this Consent Order to the Board office;
- (h) The Respondent shall not serve as pharmacist-in-charge for a period of three (3) years from the retroactive start date of probation; however, after a period of two (2) years from the retroactive state date of probation, the Respondent may petition the Board for a modification of this Consent Order to remove the restrictions upon a show of good cause. The Respondent shall not work as a "floater" for a period of three (3) years from the retroactive stare date of probation, meaning that the Respondent shall not work at more than one (1) pharmacy location at the same time without the permission of the Board;
- (i) The Respondent shall provide written notice requesting an active license; satisfy all past due continuing pharmaceutical education and pay all cumulative license renewal fees and applicable penalties.

Request to Appear

David Mafдали, D.Ph.

Dr. Mafдали answered yes to the question that asked “Have you ever been charged or convicted of a felony or misdemeanor whether or not sentence was imposed, suspended, expunged or whether you were pardoned from any such offense?” At the June 8, 2010 board meeting, Ms. McDaniel made the motion to defer Dr. Mafдали’s application for reciprocity until he can appear before the Board. Dr. Bess seconded the motion. The motion carried. After discussion, Dr. Stephens made the motion to approve Dr. Mafдали’s application for licensure by reciprocity. Ms. McDaniel seconded the motion. The motion carried.

Kenneth Dunn, D.Ph.

Dr. Dunn is appearing before the board to ask for guidance in reinstating his pharmacist license. His license has been expired since July 31, 2007. Dr. Dunn was convicted of a felony crime with controlled substance. After discussion, Dr. Warren made the motion to deny Dr. Dunn’s request for reinstatement. Dr. Stephens seconded the motion. The motion carried.

Stephen Davis, D.Ph.

Dr. Davis is appearing before the board to ask for the reinstatement of his license. Dr. Davis license was revoked on July 14, 2010. After discussion, Dr. Warren made the motion to deny Dr. Davis’ request for reinstatement because he was convicted of a Class D Felony for controlled substances. Dr. Smothers seconded the motion. The motion carried.

General Discussion

Public Chapter 292

Dr. Grinder stated that he and Dr. Holt received a telephone call from the Comptroller Office stating that they have identified pharmacists and pharmacy board members as potential stake holders in Public Chapter 292 “I Hate Meth Act” and would like to come to the January 11, 2012 board meeting to make a presentation and then on January 12, 2012 board meeting to interview each board member separately.

Dr. Hill thanked Dr. Grinder for his time and service as the acting director for the Tennessee Board of Pharmacy. Dr. Hill also read to the board an excerpt that will be printed in the newsletter “Dr. Terry Grinder, Acting Director for the Tennessee Board of Pharmacy, moves back into his initial position as an Investigator for the Board. Dr. Grinder has kept the Board running efficiently while unselfishly filling both investigator and director positions without complaint or compromise. He has shown integrity and diligence in working to protect public health. The Board sincerely thanks Dr. Grinder for his continued and dedicated service to the practice of Tennessee Pharmacy.”

Waiver Request

Board rule 1140-3-.14(12)

Dr. Stephens made the motion to approve the request from **Charles Waters, Pharm. D.**, to be the pharmacist in charge at the University Medical Center Campus Pharmacy and the McFarland Campus Pharmacy in Lebanon, TN. Ms. McDaniel seconded the motion. The motion carried.

Ms. McDaniel made the motion to approve the request from **John D. Bridges, D.Ph.** to be the pharmacist in charge at Trinity Hospice Health and Baptist Women's Pharmacy in Memphis, TN. Dr. Stephens seconded the motion. The motion carried.

Ms. McDaniel made the motion to approve the request from **S. Phillip Carson, Pharm. D.**, to be pharmacist in charge at LTC Pharmacy Bailey Park Humboldt, TN, LTC Pharmacy Oakwood Dyersburg, TN, LTC Pharmacy Briarwood Lexington, TN, LTC Pharmacy Whitehaven Memphis, TN, LTC Pharmacy Lauderdale Ripley, TN and LTC Pharmacy Hillview Dresden, TN. Dr. Bunch seconded the motion. The motion carried.

Dr. Stephens made the motion to approve the request from **Tammy Grubb**, General Manager of Williamson Drug Company dba Rx Services to allow **Cindy Raymond, R.Ph.** to be pharmacist in charge at the Williamson Drug Company dba Rx Services in Abingdon, VA and Wexford Nursing Facility in Kingsport, TN. Dr. Warren seconded the motion. The motion carried.

Board rule 1140-1-12(d)

Ms. McDaniel made the motion to approve the request from **Wesley Adams, Pharm. D.**, to waive the requirement for the pharmacy to be one hundred and eighty (180) square feet at Poplar Point Nursing Home in Memphis, TN. Dr. Warren seconded the motion. The motion carried.

Dr. Smothers made the motion to approve the request from **Marci M. Wayman, Pharm. D.**, to waive the requirement for the pharmacy to be one hundred and eighty (180) square feet and the requirement for hot and cold running water at Imperial Gardens Health and Rehabilitation in Madison, TN and at Crestview Health and Rehabilitation in Nashville, TN.

Ms. McDaniel made the motion to approve the request from **John D. Bridges, D.Ph.**, to waive the requirement for the pharmacy to be one hundred and eighty (180) square feet at Trinity Hospice House in Memphis, TN. Dr. Stephens seconded the motion. The motion carried.

Ms. McDaniel made the motion to approve the request from **S. Phillip Carson, Pharm. D.**, to waive the requirement for the pharmacy to be one hundred and eighty (180) square feet at LTC Pharmacy Bailey Park Humboldt, TN, LTC Pharmacy Oakwood Dyersburg, TN, LTC Pharmacy Briarwood Lexington, TN, LTC Pharmacy Whitehaven Memphis, TN, LTC Pharmacy Lauderdale Ripley, TN and LTC Pharmacy Hillview Dresden, TN. Dr. Bunch seconded the motion. The motion carried.

Dr. Warren made the motion to approve the request from **S. Phillip Carson, Pharm.D.** to waive the requirement of hot and cold running water at LTC Pharmacy Briarwood in Lexington, TN. LTC Pharmacy Oakwood in Dyersburg, TN and LTC Pharmacy Whitehaven, Memphis, TN. Dr. Smothers seconded the motion. The motion carried.

Dr. Kizer made the motion to approve the request from **Mike Wasson, R.Ph.** to waive the requirement for the pharmacy to be one hundred and eighty (180) square feet and the requirement of hot and cold running water at Kroger Pharmacy Friends for Life (FFL). Ms. McDaniel seconded the motion. The motion carried.

Dr. Stephens made the motion to approve the request from **Tammy Grubb**, General Manager of Williamson Drug Company dba Rx Services, to waive the requirement for the pharmacy to be one hundred and eighty (180) square feet and the requirement of hot and cold running water and immediate refrigeration at Wexford Nursing Facility in Kingsport, TN. Dr. Warren seconded the motion. The motion carried.

Board rule 1140-1.-12(h)

Dr. Stephens made the motion that this waiver request was not necessary for Wexford Nursing Facility in Kingsport, TN. Dr. Warren seconded the motion. The motion carried.

Board rule 1140-3-.14(13)

Dr. Stephens made the motion to deny the request from **Tammy Grubb**, General Manager of Williamson Drug Company dba Rx Services, to waive the requirement allow a designated pharmacy technician to restock the Omnicell Medicine Dispenser at Wexford Nursing Facility in Kingsport, TN. Dr. Warren seconded the motion. The restocking of the Omnicell Medicine Dispenser must be stock by a pharmacist or a pharmacy technician under direct supervisor of a pharmacist.

Board rule 1140-1-.07

Dr. Warren made the motion to approve the request from **Julia Clements, R.Ph.** to waive the internship hours but she must successfully take and pass the MPJE. Dr. Stephens seconded the motion. The motion carried.

Dr. Stephens made the motion to approve the request from **Ian D. Essen, R.Ph.**, to waive the internship hours and the NAPLEX but he must successfully take and pass the MPJE. Dr. Kizer seconded the motion. The motion carried.

Consent Orders

Ms. McDaniel made the motion to approve the following consent orders. Dr. Warren seconded the motion. The motion carried.

VIOLATED BOARD RULE 1140-2-.02(1) & (2)

Margaret R. Hallman, D.Ph.-\$700.00 civil penalty-paid
Herbison Medical, Inc. \$1200.00 civil penalty-paid

Dr. Warren made the motion to approve the following consent orders. Ms. McDaniel seconded the motion. The motion carried.

REVOCATION

Linda Michelle Rodriguez (Morales), RT
April Leigh Rice, RT
Megan E. Phillips, RT
Kristie Kay Sinard, RT

Dr. Warren made the motion to approve the following consent orders. Ms. McDaniel seconded the motion. The motion carried.

VIOLATED BOARD RULE 1140-3-.01(1)(a) & (f)

Anupam Paul, D.Ph.-\$1000.00 civil penalty-paid
Melissa Brunson, D.Ph.-\$1000.00 civil penalty-paid
Russell E. Gilbert, Jr., D.Ph.-\$1000.00 civil penalty-paid
Jennifer Lynn Bramlett, D.Ph.-\$1000.00 civil penalty-paid
Kroger Pharmacy #514-\$1000.00 civil penalty-paid
Kroger Pharmacy #550-\$1000.00 civil penalty-paid

Dr. Warren made the motion to approve the following consent orders. Dr. Stephens seconded the motion. The motion carried.

PROBATION

ExcelleRX

REINSTATEMENT

Jack A. Mayfield, D.Ph.

Dr. Stephens made the motion to adjourn at 5:30 p.m. Dr. Warren seconded the motion. The motion carried.

November 9, 2011

The Tennessee Board of Pharmacy reconvened on Wednesday November 9, 2011 in the Iris Room, 227 French Landing, Nashville, TN. A quorum of the members were present, the meeting was called to order at 8:30 a.m., by Dr. Hill, president.

Dr. Hill introduced John Dreyzehner, MD, MPH, FACOEM, Commissioner for the Department of Health. Dr. Dreyzehner thanked the board for their support and Dr. Grinder for his leadership during the transition. Dr. Dreyzehner stated that he was very impressed with the way the pharmacy board operates and they are looking at ways to improve all aspects of health licensure.

Director's Report

Dr. Grinder presented the financial report to the board and stated that administrative cost is charged to the board by the number of active licensees. An updated financial report may be available for the January board meeting.

Dr. Grinder informed the board that the auto tracking continuing education system through the National Association of Boards of Pharmacy (NABP) will only track continuing education hours from the Accreditation Council for Pharmacy Education (ACPE). A charge for printing will not be charged to pharmacist.

Dr. Grinder asked the board to consider a procedure giving the licensee/registrant a thirty day notice before suspending the license or registration due to default of child support payments or Tennessee Student Assistant Corporation (TSAC) payments. After discussion, Dr. Warren made the motion to amend the policy to reflect the word nurse to any licensed health professional and to notify the employer when the status has changed back to active status. Ms. McDaniel seconded the motion. The motion carried.

Dr. Grinder presented a press release from the ACPE Conference Builds Bridges to Reposition CE that was held in late September 2011. The discussion of the conference was the use of social media and technology to enhance continuing pharmaceutical education activities.

Dr. Grinder informed the board that the next meeting for the state wide Drug Diversion Task Force (DDTF) meeting will be on December 1, 2011 at the Tennessee Bureau of Investigation (TBI) Headquarters. Dr. Holt will be attending.

Dr. Grinder informed the board of an update on buprenorphine drug products from Purdue Pharma, L.P. The update states that there has been some confusion on the use of buprenorphine products for addiction and butrans. Buprenorphine containing drug products (eg, suboxone, subutex and generics) are specifically indicated for use in treating opioid addiction. Butrans are only used for analgesic use, is not approved for opioid addiction.

Dr. Grinder presented the complaint/disciplinary report to the board. Dr. Warren asked what the progression process for complaints is. Dr. Grinder stated that the complaint is reviewed by the

director and he will decide how to proceed. The complaints are closed once an agreement has been reached.

Rulemaking Hearing

Mr. Czerniak explained to the board that the rules presented for the rulemaking hearing are board rule 1140-01-.03 Criminal Background Checks for Pharmacist and 1140-1-.02, Criminal Background Checks for Pharmacy Technicians. Dr. Baeteena Black, Executive Director of Tennessee Pharmacy Association (TPA), stated that the TPA is supportive of criminal background checks and is seeking understanding of the process. Dr. Black asked if the applicant will get a status update on the criminal background checks and if pharmacies and manufacturer/wholesalers/distributors will be required to submit background checks. After discussion, Dr. Warren made the motion to remove board rule 1140-02-.02(1)(a) which states "Any person acting as a pharmacy technician shall register with the Board by submitting a complete application on a form prescribed by the Board accompanied by the following: A statement of good moral character" Dr. Smothers seconded the motion. A roll call vote was taken. The motion carried. Mr. Czernaik informed the board of the economic impact to small businesses and the regulatory flexibility analysis. A roll call vote was taken with the members answering in the affirmative.

Order Modification

Lois Hoppstein, D.Ph.

Dr. Hoppstein is requesting permission from the board to be able to work as a floater. Dr. Hoppstein's pharmacist license is on probation for fifteen (15) years. After discussion, Dr. Stephens made the motion to allow Dr. Hoppstein to work at three (3) of the Riddle's Pharmacies, which would be determined by the employer. Riddle Pharmacies where Dr. Hoppstein will be working must provide notification to the board prior Dr. Hoppstein beginning her employment and any changes must be presented to the board. Dr. Warren seconded the motion. The motion carried.

General Discussion

Dr. Warren made the motion to allow Dr. Holt to attend a meeting to discuss the feasibility of data sharing between Kentucky and Tennessee prescription monitoring programs on November 22, 2011 in Bowling Green, Ky. Dr. Stephens seconded the motion. The motion carried.

Dr. Grinder informed the board that revenues for the fiscal year ending June 30, 2011 were 1.9 million and a \$903,767.80 was spent in direct expenditures. Mr. Jim Patt is working on a financial report to reflect indirect expenditures.

Dr. Grinder informed the board the some of the investigators have received information that the Drug Enforcement Agency (DEA) is concerned about split billing for scheduled II controlled substance. The DEA is calling this procedure partial fills if the billing for scheduled II's are

using two (2) different prescription numbers for one prescription. Dr. Grinder stated that they are hoping to have more information before the regional updates.

Dr. Kizer made the motion to approve Dr. Holt and the investigators to attend the eight (8) regional meetings for the 2012 calendar year. Ms. McDaniel amended the motion to include approving mileage and hotel expenses for board members who attend the meetings. Dr. Stephens seconded the amended motion. The motion carried.

Dr. Warren asked Dr. Grinder about the law books. Dr. Grinder stated that the law books are on the way and that we only ordered three thousand (3000) law books.

Dr. Grinder presented to the board an email from Brian Riley, Director of Research, PictureRx, LLC. Mr. Riley submitted information stating that a study for picture labeling was started in September 2011 and will run through December 2011. The study is to show how picture labeling will improve patient compliance in prescription taking. After discussion, the board decided to defer this until the January 11-12, 2012 board meeting.

Waiver Request
Board rule 1140-1-.07

Dr. Warren made the motion to approve the request from **Sal Rafanelli, R.Ph.** to waive the internship hours but he must successfully take and pass the MPJE. Dr. Smothers seconded the motion. The motion carried.

Dr. Stephens made the motion to adjourn at 10:41 a.m. Dr. Warren seconded the motion. The motion carried.

The minutes were approved and ratified at the January 11-12, 2012 board meeting.